

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BRANDY ESFORD,

Plaintiff,

v.

25-CV-298-LJV
ORDER

HARTFORD LIFE INSURANCE
COMPANY,

Defendant.

On February 4, 2025, the plaintiff, Brandy Esford, commenced this action against Hartford Life Insurance Company (“Hartford”) in New York State Supreme Court, Erie County. See Docket Item 1-1. Shortly after removing the case to this Court, Hartford brought a counterclaim for interpleader against Esford, Docket Item 8, and filed a third-party interpleader complaint, Docket Item 9, naming Esford’s two minor children, S.W. and P.W., as third-party defendants, *id.* Hartford says that the proceeds of two life insurance policies belong to Esford or to Esford and her minor children, and it asks the Court to decide to whom the proceeds belong. See *id.* at ¶¶ 9-47.

S.W. and P.W. are both unrepresented in this action and, as third-party defendants, they have an interest in its outcome. Under Federal Rule of Civil Procedure 17(c)(2), “[t]he court must appoint a guardian ad litem—or issue another appropriate order—to protect a minor or incompetent person who is unrepresented in an action.” Fed. R. Civ. P. 17(c)(2). In light of the foregoing, and based on representations made by counsel for Esford during a status conference held on June 25, 2025, the Court finds

that the appointment of a guardian ad litem to represent S.W. and P.W. in this action is warranted.

ORDER

Based on the above, it is hereby

ORDERED that Thomas F. Hewner, Esq., is appointed to represent S.W. and P.W. as guardian ad litem in this matter. The Court will notify Hewner of his selection and advise him to enter an appearance in the action; and it is further

ORDERED that Hewner shall have the authority and duty to act on behalf of S.W. and P.W., as required by justice. See *Garrick v. Weaver*, 888 F.2d 687, 693 (10th Cir. 1989); *Neilson v. Colgate-Palmolive Co.*, 993 F. Supp. 225, 226-227 (S.D.N.Y. 1998), *aff'd*, 199 F.3d 642 (2d Cir. 1999); and it is further

ORDERED that at the conclusion of this matter, Hewner may move this Court for the disbursement of reasonable fees and costs from the amount recovered in this matter.

SO ORDERED.

Dated: June 27, 2025
Buffalo, New York

/s/ Lawrence J. Vilardo
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE